

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|-----------------------------------|---|---------------------|
| FACTORY MUTUAL INSURANCE |) | |
| COMPANY a/s/o TRUMP ORGANIZATION, |) | |
| LLC, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 16-cv-5432 |
| |) | |
| SIMPLEXGRINNELL LP, |) | |
| |) | |
| Defendant. |) | |

SIMPLEXGRINNELL LP'S NOTICE OF REMOVAL OF CIVIL ACTION

Pursuant to 28 U.S.C. §§ 1441(a) and 1446, Defendant SimplexGrinnell LP ("SimplexGrinnell") hereby files this Notice of Removal to remove this civil action from the Circuit Court for Cook County, Illinois, where it is captioned *Factory Mutual Insurance Company a/s/o Trump Organization, LLC v. SimplexGrinnell LP*, Case Number 2016 L 3795, to the United States District Court for the Northern District of Illinois, Eastern District, which is the district where such action is now pending, and shows as follows:

1. On or about April 14, 2016, Plaintiff Factory Mutual Insurance Company a/s/o Trump Organization, LLC ("Plaintiff"), filed its Complaint in the Circuit Court for Cook County, Illinois, Case Number 2016L003795. *See* Complaint, attached hereto as **Exhibit "A"**. The Complaint was served on April 22, 2016. *See Id.* Plaintiff's Complaint alleges that SimplexGrinnell is liable for property damage resulting from a burst sprinkler pipe in a stairwell that damaged seven floors at 401 N. Wabash Avenue, Chicago, Illinois 60611, which is commonly known as the Trump International Hotel & Tower (the "Trump Tower"). Plaintiff's claims against are for Negligence and Breach of Contract.

2. Factory Mutual Insurance Company (“FM”) provided commercial property insurance to Trump Organization, LLC under Policy No. NY186 and Account No. 1-17691. (Complaint ¶ 3). FM’s insurance was in excess of a policy issued by Chubb Custom Insurance Company that had a \$1,000,000.00 liability limit. (Complaint ¶ 3).

3. FM is a Rhode Island company with a principal place of business in Johnson, Rhode Island.

4. SimplexGrinnell is a Delaware limited partnership with its principal place of business located at 4700 Exchange Court, Suite 300, in Boca Raton, Florida 33431. (Complaint ¶ 4).

5. Therefore, there is complete diversity of citizenship between the parties. *See* 28 U.S.C. § 1332 (a) and (c).

6. FM alleges damages of One Million Two Hundred and Fifty Thousand (\$1,250,000.00) Dollars. (Complaint ¶ 15). Therefore, the amount in controversy in this action, exclusive of interest and costs, exceeds Seventy-Five Thousand (\$75,000) Dollars.

7. This Notice of Removal is filed pursuant to 28 U.S.C. § 1441 and within the time prescribed by 28 U.S.C. § 1446.

8. SimplexGrinnell will give written notice of the filing of this Notice of removal to Plaintiff as required by U.S.C. § 1446(d), and will file a copy of this Notice of removal with the Circuit Court of Cook County, Illinois, as required by that section. *See* **Exhibit “B”**.

WHEREFORE, SimplexGrinnell hereby prays that said action be removed to this Court, and that the Circuit Court of Cook County, Illinois, shall proceed no further in the action pending herewith.

Dated: May 20, 2016

Respectfully submitted,

SHOOK, HARDY & BACON L.L.P.

By: /s/ Riley C. Mendoza

111 South Wacker Drive
Chicago, Illinois 60606
Telephone: 312.704.7700
Facsimile 312.558.1195

*Attorneys for Defendant
SimplexGrinnell LP*

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of May, 2016, I filed the foregoing with the clerk of the court using the Court's CM/ECF system. Notification of such filing was also sent to the following counsel of record via U.S. mail, postage pre-paid:

Steven M. Thompson, Esq.
Sarah Jin, Esq.
Sneckenberg, Thompson & Brody, LLP
161 North Clark Street, Suite 3575
Chicago, Illinois 60601
Phone No. (312) 782-9320
Fax No. (312) 782-3787
Email: smt@stbttrial.com

*Attorneys for Plaintiff
Factory Mutual Insurance Company, a/s/o
Trump Organization, LLC*

/s/ Riley C. Mendoza

*Attorneys for Defendant
SimplexGrinnell LP*